

2001 SPECIAL SESSION I

ENROLLED

HOUSE JOINT RESOLUTION NO. 30

Memorializing the Congress of the United States to honor its commitment to fully fund the federal share of the special education costs required by the Individuals with Disabilities Education Act.

Agreed to by the House of Delegates, April 26, 2001

Agreed to by the Senate, April 26, 2001

WHEREAS, the Education for All Handicapped Children's Act, commonly known as P.L. 94-142, was enacted on November 29, 1975; and

WHEREAS, in 1990 the Education for All Handicapped Children's Act was renamed and reauthorized as the Individuals with Disabilities Education Act (IDEA), P.L. 101-476; and

WHEREAS, this federal law entitles disabled children to a free appropriate public education in the least restrictive environment; and

WHEREAS, as a result of this law, millions of children with disabilities attend public schools today, and steady progress has been made in their education, enabling many of them to complete high school and college; and

WHEREAS, special education has, however, historically been underfunded by the federal government since the enactment of the original mandates in 1975; and

WHEREAS, the law stipulates that the maximum federal grant is 40 percent of the national costs of public elementary and secondary education and Congress established its intention to meet this goal by 1980; and

WHEREAS, in fact, 34 C.F.R. § 300.701 (b) provides that the maximum amount of the grant that may be received by the states is the number of children with disabilities aged 3 through 21 in the state who are receiving special education and related services, multiplied by 40 percent of "the average per-pupil expenditure in public elementary and secondary schools in the United States"; and

WHEREAS, by 1982 federal funding to defray state and local costs of implementing the law was approximately 40 percent of the total national costs of special education programs and services; and

WHEREAS, in 1997, however, IDEA was significantly revised by Congress to add new federal mandates that substantially increased the costs of special education in Virginia and across the nation; and

WHEREAS, although the federal government has committed itself to providing 40 percent of the average per pupil expenditure for funding special education programs in public elementary and secondary schools, the current funding provided to Virginia for special education is only approximately 12 percent of the actual costs to the Commonwealth and its localities; and

WHEREAS, in 1995 the federal government passed the "Unfunded Mandates Reform Act of 1995," P.L. 104-4, providing that "the Federal Government should not shift certain costs to the States, and the States should end the practice of shifting costs to local governments, which forces many local governments to increase property taxes"; and

WHEREAS, because special education programs and services are very expensive, and federal funding has consistently been inadequate, states and localities have been bearing great fiscal burdens for these federally mandated programs; and

WHEREAS, the federal government should honor its commitment to fund special education and its obligation to avoid shifting the costs for federal mandates to state and local governments; now, therefore, be it

RESOLVED by the House of Delegates, the Senate Concurring, That the Congress of the United States be urged to honor its commitment to fully fund the federal share of the special education costs required by the Individuals with Disabilities Education Act, P.L. 105-17, as amended, at the 40 percent level; and, be it

RESOLVED FURTHER, That Congress be encouraged to move the Individuals with Disabilities Education Act to the mandatory-spending category; and, be it

RESOLVED FINALLY, That the Clerk of the House of Delegates transmit copies of this resolution to the Speaker of the United States House of Representatives, the President of the United States Senate, and the members of the Virginia Congressional Delegation in order that they may be